

### REMARKS

Following entry of the foregoing amendments, claim 44 will be pending in the application. Claims 47 and 49 to 68 have been cancelled herein, without prejudice to their presentation in a continuation application.

Applicants would like to thank the Examiner for the courtesy extended to Applicants' representative, Herb Boswell, during an interview held on April 26, 2006. The claim amendments presented in this response are believed to reflect the substance of the interview.

As discussed at the interview, the preamble of claim 44 has been amended to recite a compound, rather than a method of treatment. In addition, the claim has been amended to recite chimeric compounds that have either an alpha nucleoside region coupled with a region of 2'-deoxy  $\beta$ -nucleosides or a 4'-thio nucleoside region coupled with a region of 2'-deoxy  $\beta$ -nucleosides. Certain changes have also been made to improve the readability of the claim, including removal of the phrase "having a negative charge at physiological pH." Support for the amendments is found throughout the specification as originally filed, including, for example, page 6, line 23 to page 7, line 14. No new matter has been added.

Claims 49 to 58, which are directed to methods of treatment, and claims 59 to 68, which are directed to methods of enhancing RNase H activation, have been cancelled herein subject to Applicants' right to pursue them in one or more continuation applications. The outstanding issues identified by the Examiner during the April 26, 2006 interview with respect to each of the two sets of claims were said to differ. In all likelihood, each of the two sets of claims will therefore be filed in a separate continuation application.

Applicants respectfully request reconsideration of the rejections of record in view of the foregoing amendments and the following remarks.

#### **Alleged Lack of Enablement**

Claims 44, 47, and 49 to 68 have been rejected under 35 U.S.C. § 112, first paragraph for alleged lack of enablement. The Office Action asserts that undue experimentation would be required to practice the claimed methods due to the unpredictability associated with the behavior of chemically-modified antisense oligonucleotides in a cellular environment. Without conceding the correctness of the assertion, claim 44 has been amended as described

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above. Applicants believe that the amendments address and overcome the issues raised in the Office Action, and further believe that those skilled in the art would be able to make and use the compounds recited in amended claim 44 without undue experimentation. Claim 44 is thus in condition for allowance and, Applicants accordingly, respectfully request withdrawal of the rejection.

#### **Alleged Anticipation**

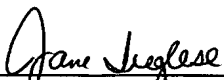
Claims 59 and 63 to 68 have been rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Sarin, et al., *Proc. Natl. Acad. Sci. USA*, 1988, 85, 7448-7451, and claims 59 and 63 to 66 have been independently rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Saison-Behmoaras, et al., *EMBO J.*, 1991, 10(5), 1111-1118. As discussed above, claims 59 and 63 to 68 have been canceled, obviating the rejections. Applicants accordingly, respectfully request withdrawal thereof.

#### **Conclusion**

Applicants believe that the foregoing constitutes a complete and full response to the Office Action of record. Accordingly, an early and favorable Action is respectfully requested.

Respectfully submitted,

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